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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,798

09/12/2006

Petrus Adrianus Josephus Holten

NL 040253

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02/15/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LOVELL, LEAH S

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,798	HOLTEN, PETRUS ADRIANUS JOSEPHUS	
	Examiner	Art Unit	
	LEAH S. LOVELL	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>30 May 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment filed 12 September 2006 has been entered.

Specification

2. The abstract of the disclosure is objected to because the abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Correction is required. See MPEP § 608.01(b).
3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

4. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:
 - (a) TITLE OF THE INVENTION.
 - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
 - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
 - (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
 - (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
 - (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (g) BRIEF SUMMARY OF THE INVENTION.
 - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
 - (i) DETAILED DESCRIPTION OF THE INVENTION.
 - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
 - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is suggested that applicant revise claim 1 and rewrite it using a more standard layout. Such a layout is outlined below using the basic structure of the instant claim:

A luminaire comprising:

a light source for...a front side;

a concave reflector around...to said front side having a cross-sectional dimension that...;

a tubular louver being..., the louver having a substantially tubular wall with an inner side and an outer side, whereby the inner and outer sides of the louver have a light reflecting surface; and

connection means engaging the louver near a back edge of the louver, which is directed to the light source, wherein the connection means are substantially located in the area of the luminaire behind the louver.

This layout clearly presents all the structure of the luminaire while grouping the details of each part of the structure with its corresponding part of the structure. If a limitation were to be presented to encompass the entire structure, the a “wherein” limitation could be added to the end of the claim

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabrecht (DE 38 26 676).

In regard to claim 1, Gabrecht discloses a luminaire, comprising a light source [14] for producing light radiation leaving the luminaire through its front side [figure 1], whereby the luminaire comprises a concave reflector [11; figure 2] around a central axis perpendicular to said front side [shown in figure 2], whereby the dimensions of the cross section of the reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 2], a tubular louver [12] being positioned around said central axis in front of the light source and being located at least partly inside said concave reflector [figure 2], whereby the louver [12] has a substantial tubular wall [figure 4 shows a zoomed-in view of the cross-section of the louver] with an inner side [19;

figure 4] and an outer side [18; figure 4], both sides having a light reflecting surface, whereby said louver is connected with the remainder of the luminaire through connection means [15], characterized in that said connection means are substantially located in the area of the luminaire behind the louver [figure 3], and in that said connection means engage the louver near its back edge [figure 4], which is directed to the light source [figure 3].

Regarding claim 2, Gabrecht discloses the reflector [11] has a substantial circular cross section perpendicular to said central axis [figures 1 and 2], whereby the diameter of the cross section decreases further away from the front side of the luminaire [figure 2], and in that the louver [12] has a circular tubular wall being positioned coaxially to said central axis [figures 1 and 2].

In regard to claim 3, Gabrecht discloses the main part of the reflector [11] is concave in an axial section through said central axis [figure 2].

Regarding claim 4, Gabrecht discloses the tubular wall [18,19,31] of the louver [12] is substantially V-shaped in an axial section through said central axis [figure 4], whereby the apex of the V-shape is at the front edge of the louver [figures 2-4].

In regard to claim 5, Gabrecht discloses said inner side [19] and/or said outer side [18] of the tubular wall of the louver [12] are concave in an axial section through said central axis [figures 2-4].

Regarding claim 6, Gabrecht discloses said connection means [15] comprise one or more brackets attached to the back edge of the louver [figure 3 shows at least 2 connection means].

9. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (US 7,014,341).

In regard to claim 1, King discloses a luminaire [10], comprising a light source [22] for producing light radiation leaving the luminaire through its front side [figure 1], whereby the luminaire comprises a concave reflector [18] around a central axis perpendicular to said front side [figure 6], whereby the dimensions of the cross section of the reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 11], whereby the luminaire comprises a tubular louver [14; it is considered tubular since it has a diameter (shown in figure 11, horizontally across the figure) and a length (in figure 11, the length of the tube extends vertically in the figure)—which is the definition of tubular] being positioned around said central axis in front of the light source [figure 11] and being located at least partly inside said concave reflector [figure 5], whereby the louver has a substantial tubular wall [14; it is considered tubular since it has a diameter (shown in figure 11, horizontally across the figure) and a length (in figure 11, the length of the tube extends vertically in the figure)—which is the definition of tubular] with an inner side [17, surface of 14 facing the central axis] and an outer side [17, opposite side of the inner side], both sides having a light reflecting surface, whereby said louver [14] is connected with the remainder of the luminaire [10] through connection means [36, 34, 32, 30], characterized in that said connection means [36, 34, 32, 30] are substantially located in the area of the luminaire behind the louver [figure 3], and in that said connection means engage the louver near its back edge

[figure 3, wherein the back edge is the edge away from the light exiting surface], which is directed to the light source [figure 3].

Regarding claim 2, King discloses the reflector has a substantial circular cross section perpendicular to said central axis, whereby the diameter of the cross section decreases further away from the front side of the luminaire, and in that the louver has a circular tubular wall being positioned coaxially to said central axis [figure 3].

In regard to claim 3, King discloses the main part of the reflector is concave in an axial section through said central axis [figure 11].

Regarding claim 7, King discloses a substantial part [36] of said connection means [36, 34, 32, 30] is transparent [column 7, line 47-column 8, line 32].

In regard to claim 8, King discloses said connection means [36, 34, 32, 30] comprise a transparent tubular connection member extending between the back edge of the louver and the concave reflector [the connection member is tubular since it presents a diameter and length, like the tubular louver], whereby the tubular connection member is preferably provided with openings through which lamps can reach [the tubular connection member has a central aperture that lamps can reach through].

10. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rambauske (US 3,805,051).

In regard to claim 1, Rambauske discloses a luminaire [figure 1], comprising a light source [20, 20a] for producing light radiation leaving the luminaire through its front side, whereby the luminaire comprises a concave reflector [31] around a central axis [A] perpendicular to said front side [figure 1], whereby the dimensions of the cross section

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of the reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 2], whereby the luminaire comprises a tubular louver [35] being positioned around said central axis in front of the light source and being located at least partly inside said concave reflector [figure 1], whereby the louver [35] has a substantial tubular wall [35; it is considered tubular since it has a diameter (shown in figure 2, horizontally across the figure) and a length (in figure 2, the length of the tube extends vertically in the figure)—which is the definition of tubular] with an inner side [surface of 35 facing the central axis] and an outer side [surface opposite to the inner side], both sides having a light reflecting surface [column 4, lines 45-65], whereby said louver [35] is connected with the remainder of the luminaire through connection means [31], characterized in that said connection means are substantially located in the area of the luminaire behind the louver [figure1] , and in that said connection means engage the louver near its back edge, which is directed to the light source [figure 1].

Regarding claim 2, Rambauske discloses the reflector has a substantial circular cross section perpendicular to said central axis, whereby the diameter of the cross section decreases further away from the front side of the luminaire, and in that the louver has a circular tubular wall being positioned coaxially to said central axis [figure 1].

In regard to claim 3, Rambauske discloses the main part of the reflector [31] is concave in an axial section through said central axis [figure 1].

Regarding claim 9, Rambauske discloses more coaxial annular louvers [35] are present [figure 1], whereby the louvers are connected to the remainder of the luminaire by connection means [33] being substantially located in the area of the luminaire behind

the louvers [figure 1], and whereby said connection means engage the louvers near their back edges, which are directed to the light source [figure 1].

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Richardson (US 5,249,111) is cited having a circular, concave reflector and at least one circular louver extending around a central axis, such that a lamp illuminates light forward through the louver, which is at least partially disposed in the reflector.
- Hayman et al. (US 5,373,431) is cited as having a circular, concave reflector and a circular louver both extending around a central axis, such that a lamp illuminates light forward through the louver, which is at least partially disposed in the reflector.
- Caferro (US 6,238,064) is cited as having a circular, concave reflector and at least substantially-transparent louver positioned around a central axis, such that a lamp illuminates light forward through the louver, which is at least partially disposed in the reflector

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEAH S. LOVELL whose telephone number is (571)272-2719. The examiner can normally be reached on Monday through Friday 8 a.m. until 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leah Lovell
Examiner
1 February 2008

/Jong-Suk LEE/
Supervisory Patent Examiner, Art Unit 2885